

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

1.839 ACRE OF LAND, MORE OR LESS,
SITUATE IN STARR COUNTY, STATE OF
TEXAS, THELMA R. PEREZ, *et al.*,
Defendants.

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CIVIL ACTION NO. 7:20-cv-00380

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule “A.”

4. The public purpose for which said interest in property is taken is set forth in Schedule “B.”

5. The legal description and map or plat of land in which certain interests are being acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: s/Baltazar Salazar
Baltazar Salazar
Assistant United States Attorney
Attorney-in-Charge for Plaintiff
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SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Starr County, Texas

Tract: RGV-RGC-9072

Owner: Thelma R. Perez, *et al.*

Acres: 1.839

Being a 1.839 acre tract (80,087 sq ft) parcel of land, more or less, being out of a called 6.250 acres, calculated as 6.249 acres described as Parcel 1, out of Tract 114, Share 54, Abstract 127, Porcion No. 94, Camargo Jurisdiction, in Starr County, Texas conveyed to Thelma R. Perez, Volume 979, Page 436. Said parcel of land more particularly described by metes and bounds as follows;

Starting at COE Project control marker SR-04 2019, having the following NAD83 (2011) Grid Coordinates N=16623091.61, E=935950.22; Thence S19°28'10"W a distance of 4394.24 feet to a found aluminum cap stamped FISH & WILDLIFE RPS 4303 1994 TRACT NO. 534 COR NO. 10, designated as RGV-RGC-9053-5=9072-1=9070-1, on the South line of the Savina S. DE Longoria tract, Volume 743, Page 362 and at the Northwest corner of the U.S. Fish and Wildlife Service Tract 534, Volume 708, Page 518 and the Northeast corner of the Thelma R. Perez tract, Volume 979, Page 436, and on the North line of the Drilling Unit Easement Legend Natural Gas III, LP Volume 1174, Page 793, for the Point of Commencement, and the Point of Beginning, having the following coordinates: N=16618948.64, E=934485.60.

Thence: S09°33'40"W departing said Easement line, along the East line of the Thelma R. Perez tract, Volume 979, Page 436 and the West line of the U.S. Fish and Wildlife Service Tract 534, Volume 708, Page 518, a distance of 227.20 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9052-4=9053-4A=9072-2 for angle, said point being the Southeast corner of the Thelma R. Perez tract, Volume 979, Page 436 and the Northeast corner of the Floridor Zamora tract, Volume 666, Page 184 and on the West line of the U.S. Fish and Wildlife Service Tract 534, Volume 708, Page 518;

Thence: N80°26'18"W along the South line of the Thelma R. Perez tract, Volume 979, Page 436 and the North line of the Floridor Zamora tract, Volume 666, Page 184, crossing the center of an existing 12 foot wide gravel road at 256 feet, back to the center of said road, a distance of 342.47 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9052-3A=9072-2A for a Point on Line;

Thence: N80°26'18"W along said property line, a distance of 342.46 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9052-3=9072-3 for angle, said point being on the Northern boundary of the parcel herein described;

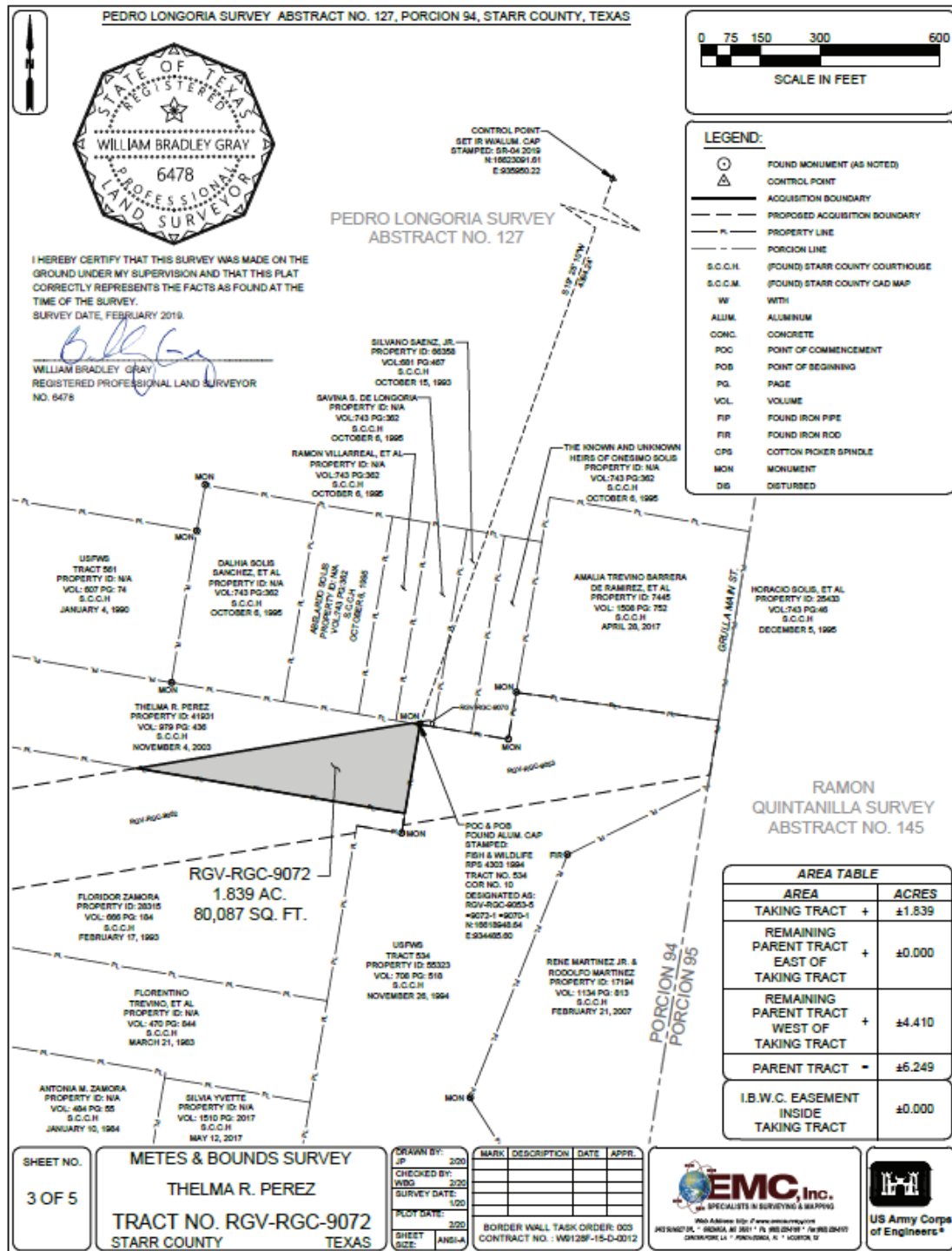
SCHEDULE C (Cont.)

Thence: N80°41'43"E departing said property line, along said Northern boundary, a distance of 351.31 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9072-3A for a Point on Line;

Thence: N80°41'43"E along said Northern boundary, a distance of 351.30 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-9072-4=9070-2 for angle, said point being on the North line of the Thelma R. Perez tract, Volume 979, Page 436 and on the South line of the Savina S. DE Longoria tract, Volume 743, Page 362, and on the North line of the Drilling Unit Easement Legend Natural Gas III, LP Volume 1174, Page 793;

Thence: S80°26'28"E along said property line, along said Easement line, departing said Northern boundary, a distance of 20.07 feet returning to the Place of Beginning.

SCHEDULE D

SCHEDULE D**MAP or PLAT**

SCHEDULE D (Cont.)

LEGEND:

	FOUND MONUMENT (AS NOTED)		COMMUNICATION/TELEPHONE JUNCTION BOX/PEDESTAL		GAS LINE
	SET MONUMENT		OVERHEAD COMMUNICATIONS/TELEPHONE LINE		EDGE OF RIPRAP
	CONTROL POINT		UNDERGROUND COMMUNICATIONS/TELEPHONE LINE		EDGE OF VEGETATING (TYPE NOTED)
	ACQUISITION BOUNDARY		UNDERGROUND FIBER OPTIC LINE		MISCELLANEOUS SYMBOL (SEE LABEL)
	PROPOSED ACQUISITION BOUNDARY		CATCH BASIN	S.C.C.H.	(FOUND) STARR COUNTY COURTHOUSE
	EASEMENT LINE		STORM GRATE	S.C.C.M.	(FOUND) STARR COUNTY CAD MAP
	PROPERTY LINE		STORM SEWER VALVE	W	WITH
	PORCION LINE		STORM MANHOLE	UNK.	UNKNOWN
	EXISTING WALL		STORM SEWER	ALUM.	ALUMINUM
	LEVEE TOP BANK		CULVERT	CONC.	CONCRETE
	LEVEE TOE		HEADWALL AND WINGWALL	CULV.	CULVERT
	EDGE OF ROAD (TYPE NOTED)		TOP OF DITCH	POC	POINT OF COMMENCEMENT
	GUARD RAIL		BOTTOM OF DITCH	POB	POINT OF BEGINNING
	SAVE AND EXCEPT AREA		EDGE OF WATER	PG.	PAGE
	EDGE OF SIDEWALK		WATER PUMP	VOL.	VOLUME
	BUILDING OUTLINE (SEE LABEL)		MONITORING WELL	MON.	MONUMENT
	FENCE (TYPE NOTED)		WATER VALVE	FIP	FOUND IRON PIPE
	EDGE OF STRUCTURE (SEE LABEL)		WATER METER	FIR	FOUND IRON ROD
	BRIDGE OUTLINE		HYDRANT	CPS	COTTON PICKER SPINDLE
	OVERHEAD ELECTRICAL LINE		WATER EXTINGUISHER/FAUCET/SPICKET	DIG	DISTURBED
	UNDERGROUND ELECTRICAL LINE		WATER MANHOLE	1STFR	1 STORY FRAME HOUSE
	LIGHT POLE		WATER LINE	2STFR	2 STORY FRAME HOUSE
	UTILITY POLE		LIFT STATION	1STBR	1 STORY BRICK HOUSE
	GUY END		PUMP STATION	2STBR	2 STORY BRICK HOUSE
	GUY POLE		SEWER CLEAN OUT	1STCB	1 STORY COMMERCIAL BUILDING
	JUNCTION BOX		SEWER MANHOLE	2STCB	2 STORY COMMERCIAL BUILDING
	ELECTRICAL MANHOLE		SEWER WATER PUMP	1STSB	1 STORY STORE BUILDING
	ELECTRICAL METER		SANITARY SEWER VAULT	2STSB	2 STORY STORE BUILDING
	ELECTRICAL PULL BOX		SANITARY SEWER LINE	SHDNF	SHED WOOD FRAME
	TRANSMISSION TOWER		GAS TANK	SHOBR	SHED BRICK
	SUBSTATION		GAS VALVE	CLF	CHAIN LINK FENCE
	ELECTRICAL TRANSFORMER		GAS METER	WF	WOODEN FENCE
	COMMUNICATIONS/TELEPHONE MANHOLE		GAS LINE MARKER	SBF	STONE OR BRICK FENCE
			GAS VAULT	BWF	BARBED WIRE FENCE

GENERAL SURVEYOR'S NOTES:

- THE BEARINGS, DISTANCES AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD 83(2011), TX SOUTH ZONE(4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING A SCALE FACTOR OF 0.9999728172 (E.G. GRID X 0.9999728172 = SURFACE).
- A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THE SUBJECT PARCEL MAY BE SUBJECT TO RECORDED, UNRECORDED OR MIS-INDEXED INSTRUMENTS OR FACTS WHICH WOULD BE REVEALED BY A THOROUGH TITLE EXAMINATION.
- THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND/OR GIS INFORMATION PROVIDED BY THE COUNTY AND IS NOT BASED ON FIELD DIMENSIONS.
- EMC, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS THE PRIME CONSULTANT. THE CORPS CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-11453.
- TEXAS 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON JANUARY 13, 2020 (TICKET NO. 2051388598).

PARCEL TABLE					
MONUMENT/LINE/CURVE#	MONUMENT NAME	NORTHING	EASTING	DISTANCE	DIRECTION
P1	RGV-RGC-9053-5=9072-1=9070-1	16618948.64	934485.60		
L1				227.20'	S09°33'40"W
P2	RGV-RGC-9052-4=9053-4A=9072-2	16618724.59	934447.86		
L2				342.47'	N80°26'18"W
P3	RGV-RGC-9052-3A=9072-2A	16618781.48	934110.15		
L3				342.46'	N80°26'18"W
P4	RGV-RGC-9052-3=9072-3	16618838.37	933772.44		
L4				351.31'	N80°41'43"E
P5	RGV-RGC-9072-3A	16618895.17	934119.13		
L5				351.30'	N80°41'43"E
P6	RGV-RGC-9072-4=9070-2	16618951.97	934465.81		
L6				20.07'	S80°26'28"E

SHEET NO. 5 OF 5	METES & BOUNDS SURVEY THELMA R. PEREZ TRACT NO. RGV-RGC-9072 STARR COUNTY TEXAS	DRAWN BY: JP CHECKED BY: WBO SURVEY DATE: 1/20 PLOT DATE: 1/20	MARK DESCRIPTION DATE APPR. _____ _____ _____ _____	 Web Address: http://www.emcinc.com 410 KINNEY BL. • DALLAS, TX 75201 • P: 972.254.9191 • F: 972.254.9192 DALLAS, TX • 75201-0004 • 410 KINNEY BL.	 US Army Corps of Engineers®
		BORDER WALL TASK ORDER 003 CONTRACT NO.: W6123W-15-D-0012			

EMC, INC. PROJECT NO.: 19036

Tract: RGV-RGC-9072

Owner: Thelma R. Perez, *et al.*

Acres: 1.839

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Starr County, Texas

Tract: RGV-RGC-9072

Owner: Thelma R. Perez, *et al.*

Acres: 1.839

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

SCHEDULE

F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is FOURTEEN THOUSAND AND THREE HUNDRED FORTY-ONE DOLLARS AND NO/100 CENTS (\$14,341.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

SCHEDULE G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. *See* Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Thelma R. Perez [REDACTED] Mission, Texas [REDACTED]	RGV-RGC-9072 Deed of Gift dated October 27, 2003, recorded in Volume 979, Page 436, Official Public Records, Starr County, Texas
Floridor Zamora [REDACTED] La Grulla, TX [REDACTED]	RGV-RGC-9072 Deed of Gift dated February 16, 1993, recorded in Volume 666, 184, Official Public Records, Starr County, Texas
Arcadio Salinas [REDACTED] Rio Grande City, TX	RGV-RGC-9072 Warranty Deed dated August 3, 1972, recorded in Volume 367, Page 215, Official Public records, Starr County, Texas
Viola Gloria Escalante Canales [REDACTED] Tivoli, TX [REDACTED] <i>Heir of Ambrosio Escalante/Lydia T. Escalante</i> Ovidio Escalante [REDACTED] Victoria, TX [REDACTED] <i>Heir of Ambrosio Escalante/Lydia T. Escalante</i> Ernestina E. Bazan [REDACTED] Port O'Connor, TX [REDACTED] <i>Heir of Ambrosio Escalante/Lydia T. Escalante</i> Homer Escalante [REDACTED] Victoria, TX [REDACTED] <i>Heir of Ambrosio Escalante/Lydia T. Escalante</i>	RGV-RGC-9072 Probate Order dated August 15, 1972, recorded in Volume 93, Page 416, Official Public Records, Starr County, Texas Final Decree of Partition and Distribution of the Estate of Florentino Trevino, deceased dated December 19, 1989, filed under Cause No. 4485, in the 79 th Judicial District of Brooks County, Texas, and recorded in the Real Property Records of Starr County, Texas, in Volume 622, Page 530

<p>Mary Rose Escalante Rivera ██████████ Port Lavaca, TX ██████████ <i>Heir of Ambrosio Escalante/Lydia T. Escalante</i></p>	
<p>Ben Guadalupe Rodriguez, Jr. ██████████ Grandview, TX ██████████ <i>Heir of Elma E. Rodriguez/Ambrosio Escalante</i></p> <p>Venancio G. Rodriguez, III ██████████ Decatur, TX ██████████ <i>Heir of Elma E. Rodriguez/Ambrosio Escalante</i></p> <p>Linda Carmen Charles ██████████ Arlington, TX ██████████ <i>Heir of Elma E. Rodriguez/Ambrosio Escalante</i></p> <p>Miguel Jaime Rodriguez ██████████ North Richland Hills, TX ██████████ <i>Heir of Elma E. Rodriguez/Ambrosio Escalante</i></p>	<p>RGV-RGC-9072 Probate Order dated August 15, 1972, recorded in Volume 93, Page 416, Official Public Records, Starr County, Texas</p> <p>Final Decree of Partition and Distribution of the Estate of Florentino Trevino, deceased dated December 19, 1989, filed under Cause No. 4485, in the 79th Judicial District of Brooks County, Texas, and recorded in the Real Property Records of Starr County, Texas, in Volume 622, Page 530</p>
<p>Noelia Trevino Herrera ██████████ Encino, TX ██████████ <i>Heir of Hilda R. Trevino/Ruben N. Trevino</i></p> <p>Ruben Noe Trevino, Jr. ██████████ Encino, TX ██████████ <i>Heir of Hilda R. Trevino/Ruben N. Trevino</i></p>	<p>RGV-RGC-9072 Probate Order dated August 15, 1972, recorded in Volume 93, Page 416, Official Public Records, Starr County, Texas</p> <p>Final Decree of Partition and Distribution of the Estate of Florentino Trevino, deceased dated December 19, 1989, filed under Cause No. 4485, in the 79th Judicial District of Brooks County, Texas, and recorded in the Real Property Records of Starr County, Texas, in Volume 622, Page 530</p>
<p>Gloria Trevino Juarez ██████████ Manor, TX ██████████ <i>Devisee of Saul Trevino, Sr.</i></p>	<p>RGV-RGC-9072 Probate Order dated August 15, 1972, recorded in Volume 93, Page 416, Official Public Records, Starr County, Texas</p>

<p>Olga Trevino Cantu ██████████ Encino, TX ██████████ <i>Devisee of Saul Trevino, Sr.</i></p> <p>Saul Trevino Jr. ██████████ Encino, TX ██████████ <i>Devisee of Saul Trevino, Sr.</i></p>	<p>Final Decree of Partition and Distribution of the Estate of Florentino Trevino, deceased dated December 19, 1989, filed under Cause No. 4485, in the 79th Judicial District of Brooks County, Texas, and recorded in the Real Property Records of Starr County, Texas, in Volume 622, Page 530</p>
<p>Roel Perez ████████████████████ Encino, TX ██████████ <i>Heir of Elida T. Perez</i></p> <p>Eliza Perez ████████████████ De Berry, TX ██████████ <i>Heir of Reynaldo Perez, Jr./Elida T. Perez</i></p> <p>Claudia Perez Cummings ████████████████ San Antonio, TX ██████████ <i>Heir of Reynaldo Perez, Jr./Elida T. Perez</i></p> <p>Rosario Perez Lewis ████████████████ Blaine, WA ██████████ <i>Heir of Reynaldo Perez, Jr./Elida T. Perez</i></p> <p>Sonia Perez Nunnery ████████████████ Mooringsport, LA ██████████ <i>Heir of Reynaldo Perez, Jr./Elida T. Perez</i></p> <p>Magdalena Perez Craig ████████████████ San Antonio, TX ██████████ <i>Heir of Reynaldo Perez, Jr./Elida T. Perez</i></p> <p>Reynaldo Perez, III ████████████████ Encino, TX ██████████ <i>Heir of Reynaldo Perez, Jr./Elida T. Perez</i></p>	<p>RGV-RGC-9072 Probate Order dated August 15, 1972, recorded in Volume 93, Page 416, Official Public Records, Starr County, Texas</p> <p>Final Decree of Partition and Distribution of the Estate of Florentino Trevino, deceased dated December 19, 1989, filed under Cause No. 4485, in the 79th Judicial District of Brooks County, Texas, and recorded in the Real Property Records of Starr County, Texas, in Volume 622, Page 530</p>

<p>Laura Perez McGee [REDACTED] De Berry, TX [REDACTED] <i>Heir of Reynaldo Perez, Jr./Elida T. Perez</i></p> <p>Catarina Perez Rose [REDACTED] San Antonio, TX [REDACTED] <i>Heir of Reynaldo Perez, Jr./Elida T. Perez</i></p> <p>Rene Morales [REDACTED] McAllen, TX [REDACTED] <i>Heir of Elva Perez Morales/Elida T. Perez</i></p> <p>Isidro Morales [REDACTED] Falfurrias, TX [REDACTED] <i>Heir of Elva Perez Morales/Elida T. Perez</i></p> <p>Romeo Morales [REDACTED] Encino, TX [REDACTED] <i>Heir of Elva Perez Morales/Elida T. Perez</i></p> <p>Maria Nelda Villarreal [REDACTED] Falfurrias, TX [REDACTED] <i>Heir of Elva Perez Morales/Elida T. Perez</i></p> <p>Sylvia Morales Garza [REDACTED] Falfurrias, TX [REDACTED] <i>Heir of Elva Perez Morales/Elida T. Perez</i></p>	
<p>Ameida Salinas, Starr County Tax Assessor 100 N. FM 3167, Suite 201 Rio Grande City, Texas 78582</p>	<p>RGV-RGC-9072 Tax Parcel No. 41931 Geo No. 00127-09400-04560-000000</p>

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

AUSA Baltazar Salazar, U.S. Attorney's Office, 600 E. Harrison Street,
Suite 201, Brownsville, Texas 78520, (956) 983-6057

DEFENDANTS

1.839 Acre of Land, More or Less, Situate in Starr County, State of Texas, Thelma R. Perez, et al.

County of Residence of First Listed Defendant Starr
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

40 U.S.C. 3113 and 3114

Brief description of cause:

Land condemnation proceeding for fee simple interest to construct, install, operate and maintain border security.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

11/23/2020

s/Baltazar Salazar

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.